IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRD DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 4216 of 2005

Between:

Mohd. Khader, S/o. Mohd. Gore Miya,
R/o. 3-43, Alur Vill, chevella (Mandal,), R.R.District.

..... PETITIONER

AND

1 The Deputy Transport Commissioner and Secretary, Regional Transport Aurhority, R.R.District.
2 The Asst. Motor Vehicle Inspector, Medak at Sanga Reddy (Special Checking).

.RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in seizing the petitioner vehicle bearing registration No.AP 12/T 8467 under Check Report No.2251485 dt. 19.2.2005 as illegal and arbitrary and consequently direct the respondents herein to release the vehicle bearing registration No.AP 12/T 8467 seized under Check Report No.2251485 dt. 19.2.2005 in favour of the petitioner and pass such other or further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.ARIFULLA

Counsel for the Respondents: GP FOR TRANSPORT

The Court, at the admission stage, made the following :

–

–

–

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 2nd respondent in seizing and detaining the petitioner's vehicle bearing No.AP 12T 8467 vide Check Report No.2251485, dated 19.2.2005 as illegal and arbitrary.

The petitioner claims that he is the owner of the vehicle bearing No.AP 12T 8467 and that his vehicle was seized vide Check Report No.2251485, dated 19.2.2005 for violation of certain provisions of the Motor Vehicles Act, 1988 and the Rules framed thereunder.

Whether the petitioner has violated certain provisions of the Motor Vehicles Act, 1988 and the Rules framed thereunder, has to be decided by the competent authority. Meanwhile, it is not desirable to keep the vehicle idle exposing to sun and rain causing damage to the vehicle. Therefore, the 1st respondent is directed to release the petitioner's vehicle bearing No.AP 12T 8467 on the following terms and conditions.

1. *that the petitioner shall not alienate or transfer the vehicle.*
2. *that the petitioner shall not remove the spare parts of the vehicle.*
3. *that the petitioner shall produce the vehicle as and when required before the competent authority.*

4. *that the petitioner shall pay the taxes due, if any, as on today.*

5. *that the petitioner shall produce all the original documents standing in his name.*

The writ petition is disposed of in terms of the above directions. In the circumstances of the case, there shall be no order as to costs.

_____

(K.C. BHANU, J.)

3rd March, 2005.

bcj

To

1 The Deputy Transport Commissioner and Secretary, Regional Transport Aurhority, R.R.District.
2 The Asst. Motor Vehicle Inspector, Medak at Sanga Reddy (Special Checking).

3 Two C.Cs. to the Government Pleader for Transport, High Court Buildings, Hyderabad (OUT)

4 Two C.D. copies.

Note: Issue wire at party's cost.

B/o.

Bcj.